

PATENT
930008-2003**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Kornelia BERGHOF et al.
Serial No. : 09/463,209
For : NUCLEIC ACID MOLECULE, TEST KIT AND
USE
Filed : May 12, 2000
Examiner : Juliet Caroline Einsmann
Group Art Unit : 1655

FURTHER DECLARATION OF RONALD R. SANTUCCI

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

I, Ronald R. Santucci, attorney for the above Applicant, submit this declaration regarding the above referenced patent application in support of the concurrently filed Petition for Revival.

Upon information and belief, the communication mailed by the Examiner-in-charge of the above referenced patent application in response to Applicants June 24, 2002 Amendment was never received by Applicants' attorney. A search of the file jacket and docket records kept during the ordinary course of business indicates that the Office communication was not received.

Attached herewith is a copy of the entire docket printout for this matter from the electronic docketing system CPI. The docket sheets do not reflect the receipt of an Examiner's communication responsive to the June 24, 2002 Amendment. The first page of the enclosed docket sheets is titled "Country Applications" and reflects the status of

PATENT
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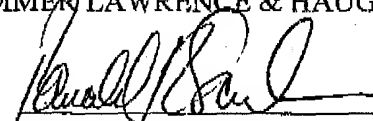
U.S. Patent Application 09/463,209, as of May 16, 2003, as pending and that a response was filed on June 24, 2002 to an official action issued January 22, 2002. It should be noted that, actions remain on the docket even after a response is filed.

Therefore the entire delay in responding to the communication from the Examiner for the above referenced application from the due date for the response until the filing of the enclosed petition under 37 C.F.R. 1.137(a) was unavoidable.

Thus, favorable consideration of the herein attached petition, and reconsideration and withdrawal of the abandonment of this application, are earnestly requested.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:


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Country Application

16-May-03

Case Number: 9300082003 **Country:** US **SubCase:**
Client: BOETERS & BAUER United States of America
Case Type: PCT **Application Status:** Pending **Area(s):**
Application Number: 09/463209 **Filing Date:** 12-May-2000 WO
Patent Number: **Issue Date:**
Publication Number: **Publication Date:**
PriorityNumber: 19731292.6 **PriorityDate:** 21-Jul-1997
Tax Schedule: SE **Expiration Date:**
Paid Through: **Tax Start Date:**
Agent:
Agent Reference Number: 10534

List Of Actions

Action(s) Du	Due Date	Action Taken
Information Disclosure Stmt	12-Aug-2000	Due Date
1 MO. RESP	01-Nov-2001	Due Date 03-Dec-2001
Application Status Check	12-Nov-2001	Due Date 12-Oct-2001
1 MO. RESP-1MO	01-Dec-2001	Due Date 03-Dec-2001
REMINDER	17-Dec-2001	Reminder 03-Dec-2001
1 MO. RESP-2MO	01-Jan-2002	Due Date 03-Dec-2001
1 MO. RESP-3MO	01-Feb-2002	Due Date 03-Dec-2001
1 MO. RESP-4MO	01-Mar-2002	Due Date 03-Dec-2001
1 MO RESP. DDD	01-Apr-2002	Final 03-Dec-2001
3 MON RESPONSE	22-Apr-2002	Due Date 24-Jun-2002
1 MON EXTENSION	22-May-2002	Due Date 24-Jun-2002
US-1 MO. RESP Follow Up Date	03-Jun-2002	Due Date 28-Jan-2002
2 MON EXTENSION	22-Jun-2002	Due Date 24-Jun-2002
REMINDER	08-Jul-2002	Reminder 24-Jun-2002
6 MON FINAL	22-Jul-2002	Final 24-Jun-2002
Post card check	24-Jul-2002	Reminder 18-Jul-2002
Office action follow up	24-Apr-2003	Reminder
REMINDER	19-May-2003	Reminder
PETITION TO REVIVE	21-May-2003	Due Date
STATUS CK	24-Jun-2003	Due Date

Remarks:

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Country Application

16-May-03

ASSIGNEE: BIOTECON DIAGNOSTICS GmbH

User ID: LISA

Date Created: 23-Oct-2001

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